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**Prepared Statement and Comments by Edward D. "Tito" Smith, Chairman,  
Chemehuevi Indian Tribe, on the *Yucca Mountain Preliminary Site Suitability  
Evaluation***

Read into the record at the YMP-NAIP Tribal Update Meeting, Fiesta Hotel Casino, Las  
Vegas, Nevada

Sponsored by

Department of Energy  
Office of Civilian Radioactive Waste Management  
Yucca Mountain Site Characterization Office

October 5, 2001

My name is Edward D. Smith, although people know me as "Tito," and I am the  
Chairman of the Chemehuevi Indian Tribe. Our tribe is part of the Southern Paiute  
Nation and a member tribe of the Consolidated Group of Tribes and Organizations  
(CGTO). Our people, along with other Southern Paiute tribes and Western Shoshone and  
Owens Valley Paiute peoples, have lived, traveled, worked, raised children, worshipped,  
harvested plant, animal, water, and mineral resources, and died in these lands for  
thousands of years. Our people were created on these lands; our Creator gave us the  
sacred responsibility to live on, use, and care for the land and all of its resources so that  
future generations would benefit from the many gifts that they provide to sustain life.  
These lands are part of our people, and we are part of these lands. The two are connected  
as one, and that connection is everlasting, even though we have been forced throughout  
history to give up and move away from many areas of our traditional homeland. This land  
is, and will always be, Indian land—Chemehuevi, Paiute, and Shoshone land.

We have been asked yet again to come to a meeting and voice our comments on  
the Yucca Mountain project. Today, we have been asked to comment on the preliminary  
site suitability evaluation report for the proposed Yucca Mountain repository, so that the

Secretary of Energy may consider whether or not to recommend Yucca Mountain as the repository site to the President.

I appreciate being invited to this meeting and having another opportunity to comment on the proposed repository at Yucca Mountain. I have appreciated the efforts of the Department of Energy to consult with our tribe and other tribes over the past fourteen years as part of the project, its studies and Environmental Impact Assessment process. I have been pleased that project studies have included taking our leaders, elders, and representatives to many places in the Yucca Mountain area to see again, after many years of being prohibited from visiting, the places where our ancestors lived, worked, visited with each other, and held ceremonies. These studies have enabled our people to reconnect with many ancestral places and things, have allowed our elders to talk to the land and resources and the spirits who dwell within them, and have given our leaders and representatives the opportunity to tell the government why this land, those places, and all of those things are so important to us.

We have been telling the government about the importance of the Yucca Mountain area to our people since 1987. During every study, at every meeting, we tell the government the same thing. Today, I tell you the same thing yet again.

*Yucca Mountain is sacred to our people.* It is part of the lands that our Creator gave to us. It is a powerful place. We have been prevented from using it and caring for it. The government has disturbed the area for half a century. Archaeologists have removed thousands of objects that were left by our ancestors; they were supposed to be left there. They are offerings to the land, but archaeologists call them "scatters," "drops," or "caches."

Digging into the Mountain and storing unnatural man-made by-products of science that produce dangerous energy and power is, in our view, an inappropriate use of the Mountain. We believe that the Mountain will become unhappy and angry if you put radioactive waste into it. The spirits living in the area will move away and, eventually, the land will be unable to sustain plants, animals, water, air, people—*life*.

I am unable to comment in any detail on the information in the site suitability evaluation report. I do not have a degree in geology or nuclear physics, and this report seems to have been written by government scientists for other scientists. I do not know how the Department of Energy could expect meaningful and useful comments from the general public on a document that is nearly incomprehensible to anyone but a scientific expert in any of these fields.

I am concerned that no effort was made to produce a companion document that the average lay person could easily read and understand, despite our previous comments concerning the need for financial and/or technical assistance to the tribes in order to have at least some minimal understanding of the science, assumptions, methods, and models used to reach the conclusions provided in the report. The Executive Summary concludes that potential radiation releases predicted as resulting from hypothetical, model scenarios involving seismic activity, volcanism, human intrusion and other processes or events will fall below EPA and NRC standards. Moreover, these predictions are modeled over a period of between 100 to 10,000 years; similarly, the probability of hypothetical events and processes are calculated to be minimal or remote possibilities at worst.

I do know that models are just that—models--based on assumptions, scientific guesses, and degrees of uncertainty. Meteorologists are often unable to forecast

tomorrow's or next week's weather with absolute certainty. How are we to have confidence in 100- to 10,000-year forecasts and predictions? The degrees of uncertainty increase the longer the period that is modeled. Can the confidence level in these hypothetical results really be sufficiently high? Can we be sure that *all* of the variables have been accounted for? Given the tragic events of September 11, has there been any consideration of a scenario in which a deranged terrorist flies a 747 into the filled repository in 20, 50, or 75 years? Or somehow smuggles an explosive device into a tunnel, or attaches a bomb to a waste container as it is being transported across Indian reservation or urban center lands?

The facts that humans are building the repository, that there are a series of faults under and around Yucca Mountain, that no permanent container for such volatile materials has ever been developed, that humans will be transporting this material across the country in trucks and trains, that waste will be accepted from other countries, and any number of other possibilities that models are unable to account for convince me that the risks and uncertainties associated with this kind of repository are simply too high. Remember Chernobyl and Three Mile Island. For these reasons, as well as the religious and cultural importance of the area to our people, *the Chemehuevi Indian Tribe remains opposed to the repository being built at Yucca Mountain.*

Having said that, I am, however, also convinced that this repository will be built at Yucca Mountain, despite repeatedly expressed opposition to it on religious and cultural grounds by my tribe and other Indian tribes. I do not believe that billions of dollars and decades of time invested into studying the suitability of a single site (reduced from three or more alternative locations) as a high-level radioactive waste repository will ultimately

result in a decision that rejects Yucca Mountain as the site for the repository, given the conclusions in the preliminary site suitability evaluation report.

Should the Secretary of Energy recommend the Yucca Mountain site to the President, as I suspect he will, I request today that the Department of Energy and all of its contractors, verbally and in writing as part of the record of this meeting, reaffirm and honor its commitments, as stated in the Draft Environmental Impact Statement of 1999 and all previous documents, as well as in accordance with its own and other applicable Federal policies, to continue formal, meaningful government-to-government consultation with the CGTO tribes, and to conducting all of the necessary and appropriate studies, including those that require the involvement and participation of Indian people in assessing the potential effects of the project on Indian lands and resources. The Department of Energy has a written record of these commitments and our recommendations, so I will not repeat them here.

I fully expect that the Yucca Mountain repository will one day be nominated and placed on the National Register of Historic Places. I would have preferred, however, that the Mountain itself, as well as the surrounding area, been placed on the National Register as a sacred site and Traditional Cultural Property rather than a place that signifies the historic achievements of science.

I look forward to the day when scientists, engineers, agencies and policy makers give serious consideration to, rather than simply acknowledge, the cultural value and importance of lands and resources taken for such projects to living Indian people on an equal basis with the nation-wide scientific, technological, commercial and economic value currently accorded to them. Thank you for your time.